



Illinois Department of Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271
<http://dnr.state.il.us>

Pat Quinn, Governor
Marc Miller, Director

January 13, 2015

Diane Shasteen
Illinois Environmental Protection Agency BOW
1021 North Grand Ave. East
Springfield, IL 62794-9276

RE: Sugar Camp Mine North Refuse Disposal Facility
IDNR Project # 1507431
Franklin County

Dear Ms. Shasteen:

This letter concerns the Endangered Species Consultation for construction of a coal refuse facility to service the Sugar Camp Energy, LLC, MC #1 Mine in Franklin County, Township 5 South, Range 4 East, Sections 32 and 33; and Township 6 South, Range 4 East, Section 4. This project was submitted for consultation in accordance with the *Illinois Endangered Species Protection Act* [520 ILCS 10/11], the *Illinois Natural Areas Preservation Act* [525 ILCS 30/17], and Title 17 *Illinois Administrative Code* Part 1075.

The project area is located in an area with numerous records for the state- and federally-listed endangered **Indiana Bat**, *Myotis sodalists*. The Indiana Bat uses trees as roosts and nurseries during the spring, summer, and fall. If bats are using trees that are to be trimmed or removed, it is likely they will be killed or injured. This will be considered a take, and is a violation of the Illinois Endangered Species Protection Act. 'Take' means, in reference to animals and animal products, to harm, hunt, shoot, pursue, lure, wound, kill, destroy, harass, gig, spear, ensnare, trap, capture, collect, or to attempt to engage in such conduct.

The Department recommends that no trees should be trimmed, felled or removed except between the dates of November 1 and the subsequent April 1. If trees must be removed between April 1 and November 1, they should first be surveyed by a qualified biologist for use by the Indiana Bat. Because the Northern Long-Eared Bat has been approved for listing as threatened by the Illinois Endangered Species Protection Board, pending publication in the Illinois Register, trees should be surveyed for use by this bat also. If either bat is present, tree removal should not begin until November 1, or the permit applicant should apply for Incidental Take Authorization (ITA) for that species in accordance with 17 *Ill Adm. Code* Part 1080. Communication concerning the

ITA application should be directed to Jenny Skufca, Office of Resource Conservation, 217-557-8243 or Jenny.Skufca@illinois.gov.

Numerous records for the state-threatened Rice Rat, *Oryzomys palustris*, occur within the project footprint. This species has been approved for delisting by the Illinois Endangered Species Protection Board, pending publication in the Illinois Register. If construction begins before the species is delisted, it will result in a violation of the Illinois Endangered Species Protection Act. The Department recommends the permit applicant consider applying for Incidental Take Authorization for the Rice Rat if construction is to begin within the next few months.

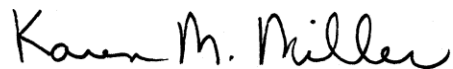
Consultation under *17 Ill. Adm. Code Part 1075* is completed. In accordance with 17 Ill. Adm. Code 1075.40(h), please notify the Department of your decision regarding these recommendations.

This consultation is valid for two years unless new information becomes available that was not previously considered; the proposed action is modified; or additional species, essential habitat, or Natural Areas are identified in the vicinity. If the project has not been implemented within two years of the date of this letter, or any of the above listed conditions develop, a new consultation is necessary.

If additional protected resources are encountered during the project's implementation, you must comply with the applicable statutes and regulations. Also, note that termination does not imply IDNR's authorization or endorsement of the proposed action.

Please contact me if you have questions.

Sincerely,

A handwritten signature in black ink that reads "Karen M. Miller". The signature is fluid and cursive, with the first name "Karen" and last name "Miller" clearly distinguishable.

Karen M. Miller
Impact Assessment Section
Phone (217) 785-5500
karen.m.miller@illinois.gov

cc: Jenny Skufca, Office of Resource Conservation, IDNR